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Attorneys for Defendant
BAY AREA RAPID TRANSIT DISTRICT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH JAMES GREER,

Plaintiff,
v.

CITY OF HAYWARD, BAY AREA
RAPID TRANSIT DISTRICT, and DOES
1-50,

Defendant.

) Case No. 3:15-cv-02307-WHO

) **DECLARATION OF OWEN T.**
) **ROONEY IN SUPPORT OF**
) **DEFENDANT BAY AREA RAPID**
) **TRANSIT DISTRICT'S MOTION**
) **FOR SUMMARY JUDGMENT OR**
) **PARTIAL SUMMARY**
) **JUDGMENT AND**
) **MEMORANDUM OF POINTS**
) **AND AUTHORITIES IN SUPPORT**
) **THEREOF**

Date: January 4, 2017
Time: 2:00 p.m.
Court Room: 2

I, Owen T. Rooney, declare:

1. I am an attorney licensed to practice law before all courts in the State of California and am the attorney of record in the above-entitled action for defendants Bay Area Rapid Transit District and Jon Tougas.

2. Attached hereto as Exhibit A are true and accurate copies of the excerpts of the deposition of Hayward Police Lieut. Lutzinger referenced herein.

3. Attached hereto as Exhibit B are true and accurate copies of the excerpts of the deposition of BART Sgt. Tougas referenced herein.

4. Attached hereto as Exhibit C are true and accurate copies of the excerpts of the

1 deposition of Hayward Police Officer Lewandowski referenced herein.

2 5. Attached hereto as Exhibit D are true and accurate copies of the excerpts of the
3 deposition of Hayward Police Officer McAdams referenced herein.

4 6. Attached hereto as Exhibit E are true and accurate copies of the excerpts of the
5 deposition of Hayward Police Officer Tong referenced herein.

6 7. Attached hereto as Exhibit F are true and accurate copies of the excerpts of the
7 deposition of Hayward Police Officer Cosgriff referenced herein.

8 8. Attached hereto as Exhibit G are true and accurate copies of the excerpts of the
9 deposition of Hayward Police Lieut. Krimm referenced herein.

10 9. Attached hereto as Exhibit H are true and accurate copies of the excerpts of the
11 deposition of witness Todd Hendricks referenced herein.

12 10. Attached hereto as Exhibit I are true and accurate copies of the excerpts of the
13 deposition of witness Chuitlahuac Frias referenced herein.

14 11. Attached hereto as Exhibit J are true and accurate copies of the excerpts of the
15 deposition of Hayward firefighter-paramedic Brassfield referenced herein.

16 12. Attached hereto as Exhibit K are true and accurate copies of the excerpts of the
17 deposition of Dr. Rogers referenced herein.

18 13. Attached hereto as Exhibit L are true and accurate copies of the excerpts of the
19 deposition of Mr. Posey referenced herein.

20 14. Attached hereto as Exhibit M is a true and accurate copy of the expert report of
21 plaintiff's police practices expert Barry Brodd referenced herein. After the November 8, 2016 Case
22 Management Conference counsel agreed that expert reports would be admissible in connection
23 with the subject Motion for Summary Judgment.

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct, is within my personal knowledge and if called as a witness I am
26 competent to testify thereto. Executed on November 8, 2016 at Oakland, CA.

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OWEN T. ROONEY

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